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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,736	11/08/2001	Daniel L. Gysling	CC-0122A	5828
75	590 03/03/2003			
Matthew J. Patterson			EXAMINER	
CiDRA Corpora 50 Barnes Park	North ·		PATEL, HA	RSHAD R
Wallingford, C	1 06492	•	ART UNIT	PAPER NUMBER
			2855	
			DATE MAILED: 03/03/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary This Action Summary	· .	Application No.	Applicant(s)	V			
Harshad Pate 2855 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. The period for reply specified above is less than thirty (20) stays, a reply within the statisticy reminished in the period for reply specified stores is less than thirty (20) stays, a reply within the statisticy reminished in the statisticy reminished in the statistic reply is specified stores is less than theiry (20) stays, a reply with the statisticy reminished in the statistic reply is specified stores in the statistic reply is specified stores in the statistic period will present of the statistic reply is specified and the state of this communication. If the period for reply specified stores is less than theiry (20) stays. It is specified and the state of the statistic reply is specified and the state of the scommunication, so the state of the scommunication, sever if timely field, may reduce a my sent department. See 37 CFR 17-6(9). Statistic reply received by the Office lister than these months after the mailing date of this communication, even if timely field, may reduce a my sent department. See 37 CFR 17-6(9). Statistic reply received by the Office lister than these months after the mailing date of this communication, even if timely field, may reduce a my sent department. See 37 CFR 18-5 (a). C claim (s)		10/007,736	GYSLING ET AL.				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the oertified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) Interview Summary (PTO-413) Paper No(s) Solution of References Cited (PTO-827) Solution of References Cited (PTO-837) Solution of References Cited (PTO-837) Solution of Informal Patent Application (PTO-152)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period versillure to reply within the set or extended period for reply will, by statute. Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication D (35 U.S.C. § 133).	1.			
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Art Unit: 2855

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-18 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-28, and claims 1-114 of copending Application No. 09/345,827 and 10/115,727, respectively. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: the apparatus for measuring velocity of fluid in a pipe comprising a first and second filter to measure vortical pressure field and a signal processor. The first and second filters including pressure sensors comprising fiber optics.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

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Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At line 2, "said first and said second inhomogeneous pressure signals" lacks antecedent basis.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claims 1-4, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew (5,152,181).

Lew teaches a velocity meter for measuring a velocity of the moving fluid in a pipe comprising a first filter (5-7, 12) and a second filter (8-10, 13) and a transducer comprised of a piezoresistive type differential pressure sensing transducer (not shown) and a signal processor responsive to the signals generated by the first and second circuits to determine the fluid flow. Lew does not specifically describe the fiber optic type strain gage transducer. However, Lew teaches that the piezoresistive transducer may be replaced by any well-known device such as capacitive, inductive, resistive or fiber optic. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the suggested fiber optic transducer for the piezoresistive transducer since such transducers are well known to the skilled in the pressure measurement art.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harshad Patel whose telephone number is (703) 305-4935. The examiner can normally be reached on Monday-Thursday (7:00 AM-5:30 PM).

Harshad Patel Primary Examiner

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February 26, 2003